



U.S. Department of Justice

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May 29, 2025

Clifton Cislak, Clerk
United States Court of Appeals
for the District of Columbia Circuit
333 Constitution Avenue, N.W., Room 5423
Washington, D.C. 20001-2866Re: *United States v. Dan Wilson*, No. 25-3041
Oral argument not yet scheduled

Dear Mr. Cislak:

We write to advise that the United States has determined that it will not defend the district court's decision in this case and, accordingly, the Court may wish to consider the appointment of amicus curiae.

This appeal involves the denial of Wilson's motion under 28 U.S.C. § 2255 to vacate his convictions on the ground that his crimes were covered by the President's pardon. *See* Executive Order Granting Pardons and Commutation of Sentences for Certain Offenses Relating to the Events at or Near the United States Capitol on January 6, 2021 (Jan. 20, 2025), *available at* <https://www.whitehouse.gov/presidential-actions/2025/01/granting-pardons-and-commutation-of-sentences-for-certain-offenses-relating-to-the-events-at-or-near-the-united-states-capitol-on-january-6-2021/>. The government did not oppose Wilson's § 2255 motion because, in its view, the Presidential pardon covers a broad range of conduct related to the events of January 6. However, the district court denied Wilson's unopposed motion on March 13, 2025 (see 3/13/25 Memorandum Opinion (ECF 113), *United States v. Wilson*, No. 23-cr-427-

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DLF). Wilson timely appealed (see Notice of Appeal (ECF 114)). The Court has not yet set a briefing schedule in this case. Under the circumstances, we respectfully suggest that the Court invite an amicus curiae to file a brief to defend the rationale of the district court's decision. The Court has done so on past occasions involving analogous circumstances. *See United States v. Thorpe*, No. 23-3027; *United States v. Fokker Servs. B.V.*, 818 F.3d 733, 740 (D.C. Cir. 2016); *United States v. Ammidown*, 497 F.2d 615, 618 (D.C. Cir. 1973).

Respectfully submitted,

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/s/

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